

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 18, 2011

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: SB1684 by Ellis (Relating to procedures applicable to an applicant entitled to habeas corpus under certain circumstances.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure by instructing the trial court how to proceed if the court were to find an applicant for a writ of habeas corpus was entitled to relief on the basis of "actual innocence" or if based on findings of fact and conclusions of law stipulated to by applicant and prosecutor. The bill would provide procedures to allow the state to appeal the relief, staying the trial court's judgment and retaining the jurisdiction over the writ with the court of criminal appeals. To the extent the bill would result in certain proceedings being simplified in the trial courts, any positive impact on judicial workloads or fiscal implication to the state is not anticipated to be significant. The bill would take effect September 1, 2011.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council

LBB Staff: JOB, ESi, TB, KKR